

Notice of Allowability

Application No.

10/016,544

Applicant(s)

AUSEN ET AL.

Examiner

Justin R. Fischer

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 18 May 2005.
2. ☒ The allowed claim(s) is/are 1,2,4, and 18-35 (renumbered 1-21).
3. ☒ The drawings filed on 11 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

AMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the claims:

Claim 4: status identifier "withdrawn" is deleted and replaced with --original--.

Claims 5-17 and 36-51 are cancelled (non-elected without traverse).

Allowable Subject Matter

2. Claims 1, 2, 4, and 18-35 (renumbered 1-21) are allowed. The following is an examiner's statement of reasons for allowance:

The general technique of providing separable surface elements on a continuous film structure is known in multiple industries. For example, Calhoun (US 5,240,761) discloses a method of manufacturing adhesive tape comprising covering an assembly formed of a base sheet and a stretchable adhesive layer with a layer of conductive particles and subsequently stretching the assembly to separate each particle from other particles (Column 2, Lines 66+). It is further noted that said tape, in use, is applied to a first substrate and pressure (e.g. hand) is applied to cause the adhesive to flow. Koskenmaki (US 5,529,829) similarly discloses a method in which the top layer of a multi-layer assembly is provided with a series of cuts and the assembly is subsequently

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stretched, whereby the top layer is formed with a plurality of separate surface elements (Figures 1 and 2).

In regards to independent claim 1, the method of Calhoun fails to suggest, disclose, or teach the formation of said separable surface elements by at least partially cutting the top film layer. As to Koskenmaki, the reference fails to suggest, disclose, or teach the inclusion of an operating agent (adhesive) that is spaced from the first major surface of the film structure by a top portion of the film structure.

As to independent claim 18, the method of Calhoun fails to suggest, disclose, or teach the formation of an "extruded" film structure and furthermore, fails to form the separable surface elements by cutting. With respect to Koskenmaki, one of ordinary skill in the art at the time of the invention would not have found it obvious to form the metal/plastic assembly via an extrusion technique.

Additional references that are seen to be relevant include Schwinn (GB 2,205,526), JP'702, JP 219, Ang (US 4,537,809), Morgan (US 3,859,157), and Berry (US 4,14,970). However, in each instance, the prior art references fail to suggest, disclose, or teach the claimed combination of method steps. Lastly, the method of Schwinn substantially results in the same article as that of the claimed invention in that an intermediate adhesive layer penetrates or flows through a top layer (via a series of fractures or cuts) and bonds an underlying assembly to an additional substrate, wherein the adhesive-containing assembly is formed by extrusion; however, the method of Schwinn fails to include the step of inelastically stretching the film structure containing the separable surface elements.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Justin Fischer

July 19, 2005


JEFF H. AFTERGUT
PRIMARY EXAMINER
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